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and Other Cruel, Inhuman
or Degrading Treatment
or Punishment

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COMMITTEE AGAINST TORTURE

Twentieth session

SUMMARY RECORD OF THE PUBLIC PART* OF THE 341st MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 19 May 1998, at 3 p.m.

Chairman: Mr. Burns

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* The summary record of the closed part of the meeting appears as document CAT/C/SR.341/Add.1.

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION (agenda item 7) (continued)

Initial report of Sri Lanka (continued) (CAT/C/28/Add.3)

Conclusions and recommendations of the Committee

1. At the invitation of the Chairman, Mr. Palihakkara, Mr. Yapa, Mr. Grero and Mr. Arachchi (Sri Lanka) resumed their places at the Committee table.

2. Mr. MAVROMMATIS (Country Rapporteur) read out the conclusions and recommendations of the Committee concerning the initial report of Sri Lanka:

"1. The Committee considered the initial report of Sri Lanka (CAT/C/28/Add.3) at its 338th, 339th and 341st meetings, held on 18 and 19 May 1998 (CAT/C/SR.338, 339 and 341) and adopted the following conclusions and recommendations:

A. Introduction

2. Sri Lanka acceded to the Convention against Torture on 3 January 1994 but has not recognized the competence of the Committee to consider communications made in accordance with articles 21 and 22 of the Convention.

3. The Committee expresses appreciation for the report of Sri Lanka, which is consistent with the guidelines for such reports of CAT, for the annexed material and the introduction and replies to questions by its members given by the delegation of the State party.

4. The report which was due in 1995 and submitted more than two years later covers the period from accession to 21 November 1997.

B. Positive aspects

5. The accession to the Convention during extremely difficult times for the country.

6. The adoption of the CAT Act No. 22 of 1994 to give effect to the Convention in accordance with the legal system of the State party.

7. The recent establishment of the Human Rights Commission with several regional offices, including one in Jaffna.

8. The unequivocal position taken by the Supreme Court as well as other courts on the question of torture and the awards of compensation to victims of torture under the fundamental rights jurisdiction of the Supreme Court.

9. Seminars and other work carried out by the International Committee of the Red Cross and the participation of the medical profession in such seminars.

10. The recent accession by the State party to the First Optional Protocol to the International Covenant on Civil and Political Rights.

11. The State party's readiness to cooperate with the Committee in order to comply with the Convention.

12. The support of victims of torture as expressed by both donations to the United Nations Voluntary Fund for the Victims of Torture and support to the Centre for Rehabilitation.

C. Factors and difficulties impeding the application of the provisions of the Convention

13. The Committee takes note of the following:

(a) The State party faces a serious internal situation, but this in no way justifies any violation of the Convention;

(b) A very low per capita income;

(c) The fact that for years in the past police officers appeared to be immune from prosecution.

D. Subjects of concern

14. The Committee is gravely concerned by information on serious violations of the Convention, particularly regarding torture linked with disappearances.

15. The Committee regrets that there were few if any prosecutions or disciplinary proceedings despite continuous Supreme Court warnings and awards of damages to torture victims.

16. The Committee notes the absence, until recently, of independent and effective investigation of scores of allegations of disappearances linked with torture.

17. The Committee noted that, while the CAT Act 24/94 covers most of the provisions of the Convention, there were certain significant omissions.

18. The question of the admissibility under the emergency regulations of confessions is also a matter of concern as well as the absence of strict legislation governing detention consistent with international norms.

E. Recommendations

19. The Committee urges the State party to review the CAT Act 22/94 and other relevant laws in order to ensure complete compliance with the Convention, in particular in respect of: (a) the definition of torture; (b) acts that amount to torture and (c) extradition, return and expulsion.

20. Review the emergency regulations and the prevention of Terrorism Act as well as rules of practice pertaining to detention to ensure that they conform with the provisions of the Convention.

21. Ensure that all allegations of torture, past, present and future, are promptly, independently and effectively investigated and the recommendations implemented without any delay.

22. While continuing to remedy, through compensation, the consequences of torture, due importance should be given to prompt criminal prosecutions and disciplinary proceedings against culprits.

23. Take the necessary measures to ensure that justice is not delayed especially in the cases of trials of people accused of torture.

24. Strengthen the Human Rights Commission and other mechanisms for dealing with torture prevention and investigation, and provide them with all the means that are necessary to ensure their impartiality and effectiveness.

25. Urges the State party to declare in favour of articles 21 and 22 of the Convention.

26. The Committee would be remiss if it did not acknowledge that the Sri Lankan delegation made every effort to make the dialogue with the Committee fruitful, so that thereby the State party would be helped to put an end to violations of this Convention."

3. Mr. PALIHAKKARA (Sri Lanka) thanked the Committee for its constructive conclusions and recommendations; every effort would be made to put them into effect in the future. Sri Lanka would also be improving its reporting procedure.

4. The CHAIRMAN thanked the members of the delegation of Sri Lanka for the cooperative spirit of their dialogue with the Committee.

5. The delegation of Sri Lanka withdrew.

The public part of the meeting was suspended at 3.15 p.m. and resumed at 4.50 p.m.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 5) (continued)

6. At the invitation of the CHAIRMAN, Mr. BRUNI (Secretary of the Committee) read out the text of a letter drafted by the secretariat to Mr. Dipanda Mouelle, former Chairman:

"On behalf of all the members of the Committee against Torture, and also in my personal capacity, I wish to thank you for the remarkable contribution you made, as a member of the Committee from its creation in November 1987 until the end of your term of office on 31 December 1997, to the struggle against torture and in the cause of respect for human dignity. We have in particular appreciated your active participation and the wisdom you displayed as Vice-Chairman of the Committee from 1988 to 1993 and as Chairman from 1994 to 1997, as also your involvement alongside the then Chairman, Joseph Voyame, in the first investigative mission undertaken by the Committee, in 1992.

"We hope you will carry on your combat against the evil of torture wherever it occurs. We note that your personal commitment to continuing this battle has already been demonstrated by the publication of your brilliantly written book, 'La torture, cette barbarie de l'humanité', which will serve as a reference work for all those striving to bring to an early end the practice of torture.

"Please accept, Sir, the assurances of our highest consideration, and also the expression of our cordial friendship.

[Signed] Peter Burns
Chairman
Committee against Torture"

7. The CHAIRMAN said that, if he heard no objections, he would take it the Committee agreed to his signing the letter on its behalf.

8. It was so decided.

The meeting rose at 4.55 p.m.